

REMARKS

Claims 1-16 are pending and under consideration in this application. Claim 15 is amended herein. Support for the amendment to claim 15 may be found in the claims as originally filed. Claim 17 is cancelled herein without prejudice or disclaimer. Reconsideration is requested based on the foregoing amendment and the following remarks.

Final Office Action mailed February 23, 2006:

The Applicant acknowledges with appreciation the withdrawal of the finality of the Office Action mailed February 23, 2006:

Claim Rejections - 35 U.S.C. § 101:

Claim 15 was rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. The preamble of claim 15 was amended to recite a "method of directing a computer," and is thus submitted be directed to at least the "process" category of statutory subject matter. Withdrawal of the rejection of claim 15 is earnestly solicited.

Claim Rejections - 35 U.S.C. § 103:

Claims 1-4, 7-10, and 12-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the subject application, termed "AAPA" in the Office Action, in view of U.S. Patent No. 5,867,716 to Morimoto et al. (hereinafter "Morimoto") and U.S. Patent No. 6,336,161 to Watts (hereinafter "Watts"). The rejection is traversed. Reconsideration is earnestly solicited.

For a reference to be available under 35 U.S.C. § 103(a), it must first be a valid reference under one of the provisions of 35 U.S.C. § 102. Since AAPA is *part* of the subject application, however, it cannot be a valid reference under any of the provisions of 35 U.S.C. § 102, since the subject application was necessarily filed *after* the date of the invention.

35 U.S.C. § 102(a), in particular, requires a reference to have existed "before the invention thereof by the applicant for patent." Since the subject application could not have existed "before the invention thereof by the applicant for patent," AAPA cannot be a valid reference under the provisions of 35 U.S.C. § 102(a).

Similarly, 35 U.S.C. § 102(b) requires a reference to have existed "more than one year prior to the date of the application for patent in the United States." Since the subject application, i.e. the application as filed in the United States Patent and Trademark Office, could not have

existed "more than one year prior to the date of the application for patent in the United States," AAPA cannot be a valid reference under the provisions of 35 U.S.C. § 102(b), either.

Finally, 35 U.S.C. § 102(e) requires a reference to have existed "before the invention by the applicant for patent." Since the subject application could not have existed "before the invention by the applicant for patent," AAPA cannot be a valid reference under the provisions of 35 U.S.C. § 102(e), either. Since AAPA cannot be a valid reference under any provision of 35 U.S.C. § 102, AAPA cannot be a valid reference under 35 U.S.C. § 103(a), either, and the rejection ought to be withdrawn.

In any case, the third clause of claim 1 recites:

Notifying each of the other information processing devices of a next power-up date and time.

AAPA neither teaches, discloses nor suggests "notifying each of the other information processing devices of a next power-up date and time," as acknowledged graciously in the Office Action in section 11 at page 4. The Office Action seeks to compensate for this deficiency of AAPA by combining AAPA with Morimoto. Morimoto, however, is not "notifying each of the other information processing devices of a next power-up date and time," either, and thus cannot make up for the deficiencies of AAPA with respect to claim 1.

In Morimoto, rather, start and termination schedules 106, 113, 116, and 122 are *stored* in the computers 100 and 124. There is no need in Morimoto to notify "each of the other information processing devices of a next power-up date and time," since the computers are started or terminated according to the start and termination schedules 106, 113, 116, and 122 already stored in the computers. In particular, as described at column 5, lines 18-24:

The automatic operation systems 108, 112, 115, 118, and 121 are also disposed in the computers 100 and 124 to 127, respectively. Each of the automatic operation systems 108, 112, 115, 118, and 121 controls the automatic operation of the pertinent computer according to the procedure described in the schedule to start or terminate system stored in the computer.

Since, in Morimoto, the computers are started or terminated according to the procedure described in the schedule, Morimoto is not "notifying each of the other information processing devices of a next power-up date and time," as recited in claim 1.

Furthermore, in Morimoto, start and termination schedules 106, 113, 116, and 122 are *stored* in the computers 100 and 124. In particular, as described at column 4, lines 62-67:

In the computer 100, there is also arranged a part of making and distributing

schedule files 107 which creates a schedule to start or terminate whole system 111 according to the dependent graph 109 and then produces therefrom start and termination schedules 106, 113, 116, and 122 to be stored in the computers 100 and 124 to 107 in a respective fashion.

Since, in Morimoto, start and termination schedules 106, 113, 116, and 122 are stored in the computers 100 and 124, Morimoto is not "notifying each of the other information processing devices of a next power-up date and time," as recited in claim 1.

Finally, in Morimoto, the generated schedules 106, 113, 116, and 122 that are distributed to the schedule file switchers 110, 114, 117, 120, and 123 include information of schedules to start or terminate the associated computers. In particular, as described at column 5, lines 1-7:

Additionally, the schedule file generating and distributing part 107 respectively distributes the generated schedules 106, 113, 116, and 122 to start or terminate system to schedule file switchers 110, 114, 117, 120, and 123. The generated schedules 106, 113, 116, and 122 include information of schedules to start or terminate the associated computers, respectively.

Since, in Morimoto, the generated schedules 106, 113, 116, and 122 include information of schedules to start or terminate the associated computers, Morimoto is not "notifying each of the other information processing devices of a next power-up date and time," as recited in claim 1. Thus, even if AAPA and Morimoto were combined, the claimed invention would not result.

The third clause of claim 1 recites further:

Having each power supply control device enter a next power-up date and time each time a power-down date and time comes.

AAPA neither teaches, discloses nor suggests "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as acknowledged graciously in the Office Action in section 11 at page 4. The Office Action seeks to compensate for this deficiency of AAPA by combining AAPA with Watts. Watts, however, is not "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," either, and thus cannot make up for the deficiencies of AAPA with respect to claim 1.

Watts, rather, stores hardware configuration information, which would normally be supplied by the drivers upon start up, in the flash EEPROM once power-down mode begins. In particular, as described at column 4, lines 8-19:

Once power-down mode begins (block 44), hardware configuration information, which would normally be supplied by the drivers upon start up, is stored in the

flash EEPROM. This configuration information could include, for example, the information stored in configuration registers in the sound card, hard/floppy drive controllers, video card, and so on; such information being needed for proper operation of the device at start-up.

Since Watts stores hardware configuration information in the flash EEPROM once power-down mode begins, Watts is not "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1.

Watts, furthermore, stores system information such as the frame buffer memory and other data which is not needed at start-up in the hard drive. In particular, as described at column 4, lines 21-24:

In block 46 the other system information such as the frame buffer memory and other data which is not needed at start-up is stored to the hard drive. Once all system information has been stored to either the flash EEPROM or the hard drive (or other mass storage device), the computer 10 is powered down in block 48.

Since Watts stores system information such as the frame buffer memory and other data which is not needed at start-up in the hard drive, Watts is not "having each power supply control device enter a next power-up date and time each time a power-down date and time comes," as recited in claim 1. Thus, even if AAPA and Watts were combined, the claimed invention would not result. Claim 1 is thus submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 3 and 7 depend from claim 1 and add further distinguishing elements. Claims 3 and 7 are thus also submitted to be allowable. Withdrawal of the rejection of claims 3 and 7 is also earnestly solicited.

Rejection of claims 2, 4, and 8:

The third clause of claim 2 recites:

Notifying each power supply control device of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest "notifying each power supply control device of the other information processing devices of a next power-up date and time," as discussed above with respect to the rejection of claim 1.

The third clause of claim 2 recites further:

Having each power supply control device enter the next power-up date and time.

Neither AAPA nor Watts teach, disclose or suggest “having each power supply control device enter the next power-up date and time,” as discussed above with respect to the rejection of claim 1. Claim 2 is thus submitted to be allowable, for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 2 is earnestly solicited.

Claims 4 and 8 depend from claim 2 and add further distinguishing elements. Claims 4 and 8 are thus also submitted to be allowable. Withdrawal of the rejection of claims 4 and 8 is also earnestly solicited.

Rejection of claims 9, 10, and 12:

The fourth clause of claim 9 recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule,” as discussed above with respect to the rejection of claim 1. Claim 9 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 9 is earnestly solicited.

Claims 10 and 12 depend from claim 9 and add further distinguishing elements. Claims 10 and 12 are thus also submitted to be allowable. Withdrawal of the rejection of claims 10 and 12 is also earnestly solicited.

Rejection of claim 13:

The second clause of claim 13 recites:

A power-down unit storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system.

Neither AAPA nor Morimoto teach, disclose or suggest “storing a next power-up date and time when the next power-up date and time is received together with a power-down instruction, and performing a power-down process on an information processing device of a current system,” as discussed above with respect to the rejection of claim 1. Claim 13 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1.

Withdrawal of the rejection of claim 13 is earnestly solicited.

Rejection of claim 14:

The third clause of claim 14 recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to a predetermined power-up/down schedule.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of a next power-up date and time each time power-down date and time comes,” as discussed above with respect to the rejection of claim 1. Claim 14 is thus submitted to be allowable for at least those reasons discussed above with respect to the rejection of claim 1. Withdrawal of the rejection of claim 14 is earnestly solicited.

Claims 5, 6, and 11:

Claims 5, 6, and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA, Morimoto and Watts in view of European Patent Application EP 0 936 532 to Sugahara et al. (hereinafter “Sugahara”). The rejection is traversed. Reconsideration is earnestly solicited.

The third clause of claim 5 recites:

Notifying each of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention.

The third clause of claim 5 recites further:

Having each power supply control device enter a next power-up date and time each time a power-down date and time comes.

Neither AAPA nor Watts teach, disclose or suggest “having each power supply control device enter a next power-up date and time each time a power-down date and time comes,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Watts with respect to the claimed invention. Thus, even if AAPA, Morimoto, Watts, and Sugahara were combined, as proposed in the Office Action, the claimed invention would not result. Claim 5 is thus submitted to be

allowable. Withdrawal of the rejection of claim 5 is earnestly solicited.

Rejection of claim 6:

The third clause of claim 6 recites:

Notifying each power supply control device of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of the other information processing devices of a next power-up date and time,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention.

The third clause of claim 6 recites further:

Having each power supply control device enter the next power-up date and time.

Neither AAPA nor Watts teach, disclose or suggest “having each power supply control device enter the next power-up date and time,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Watts with respect to the claimed invention. Thus, even if AAPA, Morimoto, Watts, and Sugahara were combined, as proposed in the Office Action, the claimed invention would not result. Claim 6 is thus submitted to be allowable. Withdrawal of the rejection of claim 6 is earnestly solicited.

Rejection of claim 11:

The fourth clause of claim 11 recites:

Notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule.

Neither AAPA nor Morimoto teach, disclose or suggest “notifying each power supply control device of a next power-up date and time each time power-down date and time comes according to said predetermined power-up/down schedule,” as discussed above with respect to the rejection of claim 1. Sugahara does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention. Thus, even if AAPA, Morimoto, Watts, and Sugahara were combined, as proposed in the Office Action, the claimed invention would not result. Claim 11 is thus submitted to be allowable. Withdrawal of the rejection of

claim 11 is earnestly solicited.

Rejection of claim 16:

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA and Morimoto in view of U.S. Patent No. 6,014,669 to Slaughter et al. (hereinafter "Slaughter"). The rejection is traversed. Reconsideration is earnestly solicited.

The third clause of claim 16 recites:

Notifying, by said one of said information processing devices, each of the other information processing devices of a next power-up date and time.

Neither AAPA nor Morimoto teach, disclose or suggest "notifying, by said one of said information processing devices, each of the other information processing devices of a next power-up date and time," as discussed above with respect to the rejection of claim 1. Slaughter does not either, and thus cannot make up for the deficiencies of either AAPA or Morimoto with respect to the claimed invention. Thus, even if AAPA, Morimoto and Slaughter were combined, as proposed in the Office Action, the claimed invention would not result. Claim 16 is thus submitted to be allowable. Withdrawal of the rejection of claim 16 is earnestly solicited.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 1-16 are allowable over the cited references.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

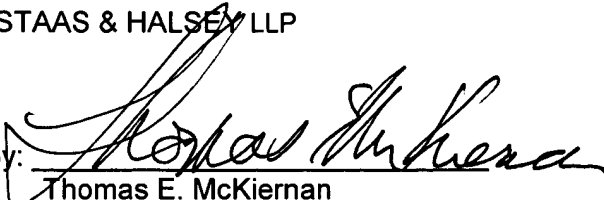
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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